

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-214162

DATE: February 13, 1984

MATTER OF: Aurora Spectrum International

DIGEST:

Protest based on agency's failure to send protester a copy of the solicitation, which was publicized in the Commerce Business Daily, is untimely since it is filed more than 10 days after the initial closing date for receipt of proposals.

Aurora Spectrum International (Aurora) protests its failure to receive Army request for proposals (RFP) No. DAAK-10-83-R-0225.

The Army has advised us that the RFP, issued on August 31, 1983, was publicized in the Commerce Business Daily (CBD) on September 1, 1983, with a September 30, 1983, closing date for receipt of initial proposals. Although the closing date was later extended, Aurora did not protest or submit an offer on the extended closing date. Negotiations have now been completed and February 7, 1984, is the deadline for receipt of best and final offers.

We dismiss the protest as untimely filed.

Our Bid Protest Procedures require that protesters file their protests with either GAO or the contracting agency within 10 working days after the basis of protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2 (1983).

As noted above, the September 1, 1983, issue of the CBD announced the September 30, 1983, closing date. We have held that publication of a procurement in the CBD is constructive notice of the RFP and its contents. Dixie Business Machines, Inc., B-208968, February 7, 1983, 83-1 CPD 128. Therefore, Aurora's protest against failure to receive the RFP, filed on January 16, 1984, is untimely and will not be considered on the merits since it was filed more than 10 days after the initially announced closing date, September 30, 1983.

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Accordingly, we dismiss the protest.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel